RAJYA SABHA

Friday, the 17th August, 1984/26 Sravana, 1906 (Saka)

The House met at eleven of the clock, **Mr. Chairman** in the Chair.

REFERENCE TO THE POLITICAL SITUATION IN ANDHRA PRADESH

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): Sir, murder of democracy... (*Interruptions*)

SHRI V. GOPALSAMY (Tamil Nadu): Total Murder of Democracy. Here it is... (*Interruptions*)

MR. CHAIRMAN: Don't show any poster here. (*Interruptions*) Send it... (*Interruptions*) Leaders, please listen to me. I request you... (*Interruptions*) Listen to me. We will go through the Question Hour. Exactly at 12 o'clock you can have your say. (*Interruptions*)

SOME HON. MEMBERS: No, no. (*Interruptions*)

SHRI DIPEN GHOSH (West Bengal): Sir, on a point of order, (*Interruptions*) We have given notice under Rule 267 of the Rules of Procedure to do away with the Question Hour. (*Interruptions*) We seek your kind consent to move for the suspension of Rule 23 relating to... (*Interruptions*) It is:

"Under Rule 267 of the Rules of Procedure and Conduct of Business in Rajya Sabha, the undersigned seeks your kind consent to move for the suspension of Rule 23 relating to arrangement of Government Business and Rule 38 relating to Question Hour and to permit us at 11 A.M. today to raise a discussion on the constitutional crisis precipitated in Andhra Pradesh by the Governor's unconstitutional dismissal of Chief Minister N. T. Ramarao, even though he had a clear majority in the State Assembly."

(*Interruptions*)

MR. CHAIRMAN: I have already informed the hon. Members and the leaders that we may go through the Question Hour first and then...

SOME HON. MEMBERS: No, no. (*Interruptions*)

SHRI M. S. GURUPADASWAMY (Karnataka): When democracy is being killed, how... (*Interruptions*)

SHRI DIPEN GHOSH: This is a notice under the Rules of Procedure. We have demanded suspension of the Question Hour. (*Interruptions*) The question of questions today is whether democracy will survive or not. (*Interruptions*) Let the Question Hour be suspended. (*Interruptions*)

SHRI B. SATYANARAYAN REDDY: Andhra Pradesh is observing a *bandh*.

MR. CHAIRMAN: Mr. Advani. (*Interruptions*)

THE MINISTER OF PARLIAMENTARY AFFAIRS, SPORTS AND WORKS AND HOUSING (SHRI BUTA SINGH): Sir,...

MR. CHAIRMAN: Mr. Minister, I have allowed Mr. Advani to move the Resolution. You can oppose it.

SHRI BUTA SINGH: No, Sir.

SHRI T. BASHEER (Kerala): There is no such procedure in this House. My humble request is that you don't allow to create bad precedents in this House. We are very sorry that the procedures are sidetracked.

(*Interruptions*)

SHRI BUTA SINGH: I am on a point of order, Sir.

MR. CHAIRMAN: I will allow the tempers to cool down. We will take a small recess of ten minutes. Then, when we meet, you will consider the motion to be moved by Shri Advani.

The House stands adjourned for ten minutes.

The House then adjourned at eleven minutes past eleven of the clock.

The House reassembled at twenty one minutes past eleven of the clock. **Mr. Chairman** in the Chair.

SHRI B. SATYANARAYAN REDDY: Democracy is being murdered in Andhra Pradesh (*Interruptions*)

MR. CHAIRMAN: Please take off your badges. Anybody sporting a badge will be asked to leave the House by me and suspended for the rest of the day. So, you can choose. I am very firm. So, please take off your badges. Mr. Reddy, no badge will be allowed, and arm-bands also or any of these things. After all, we are inside the House. Will you take it off, Mr. Reddy?

SHRI B. SATYANARAYAN REDDY: This is my letter, with my name on it, saying democracy has been murdered. (*Interruptions*).

MR. CHAIRMAN: I will not allow. Will you please keep silent? Mr. Advani will move the resolution; I have allowed him.

SHRI LAL K. ADVANI (Madhya Pradesh): Sir, this is an extraordinary situation in which I rise to move a motion which, as far as I recal . . . (*Interruptions*).

MR. CHAIRMAN: Please move your motion.

SHRI LAL K. ADVANI: Under Rule 267 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, we the undersigned—I speak on behalf of all my colleagues from the Opposition—seek your consent to move for suspension of Rule 23 relating to arrangement of Government business and Rule 38 relating to Question Hour and to permit me at 11 A.M. today to raise a discussion on the Constitutional crisis precipitated in Andhra Pradesh... (*Interruptions*) ...by the Governor's unconstitutional dismissal of the Chief Minister, Shri N. T. Rama Rao, even though he had clear majority in the Assembly.

THE LEADER OF THE HOUSE (SHRI PRANAB KUMAR MUKHERJEE): Sir, I am on a point of order ... (*Interruptions*).

I oppose the motion that the question be put here.

MR. CHAIRMAN: Motion has been moved.

SHRI P. N. SUKUL (Uttar Pradesh): There is a point of order... (*Interruptions*).

SHRI LAL K. ADVANI: I have moved the motion formally that I have given notice of. I would like to commend the motion to the House and to say... (*Interruptions*) Sir, you gave me permission to move and the motion should be accepted... (*Interruptions*). Sir, for the first time ... (*Interruptions*).

SHRI DIPEN GHOSH: It is an extraordinary situation... (*Interruptions*).

SHRI LAL K. ADVANI: For the first time in the history of the Rajya Sabha, a motion of this kind signed by all Opposition leaders has been moved. It is an unprecedented... (*Interruptions*).

SHRI P. N. SUKUL: No speeches... (*Interruptions*)

SHRI LAL K. ADVANI: This only shows, democracy has been murdered not only in Andhra Pradesh but even in Parliament... (*Interruptions*).

Sir, you have referred to the fact that you are very firm and asked my colleague to take his badge off. We want that you should be equally firm with the Treasury Benches. You should be as firm with us as with the Treasury Benches. (*Interruptions*) Having been allowed to move my Motion, I should be in a position to explain to the House.... (*Interruptions*).

SHRI M. S. GURUPADASWAMY: Sir, he should be allowed to explain to the House way the Motion has been moved. (*Interruptions*)

MR. CHAIRMAN: The Motion has been moved. Later on, I shall allow the Leader of the House to oppose it, on rules and other grounds.... I will give you... (*Interruptions*)

SHRI LAL K. ADVANI: Perhaps, he will be convinced. The Leader of the House will be convinced. (*Interruptions*)

MR. CHAIRMAN: There will be no more speeches than one. I will give you five minutes... (*Interruptions*)

THE DEPUTY MINISTER IN THE DEPARTMENT OF SPORTS AND IN THE MINISTRY OF WORKS AND HOUSING AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN): Sir, there is no question of any speech after the Motion has been moved. (*Interruptions*)

SHRI BUTA SINGH: Sir, under which rule you are allowing Mr. Advani to speak?

MR. CHAIRMAN: I have got my discretion also. (*Interruptions*)

SHRI BUTA SINGH: Mr. Chairman, Sir, I am on a point of order.

SHRI V. GOPALSAMY: There is no point of order. (*Interruptions*)

SHRI BUTA SINGH: Sir, I am on a point of order. (*Interruptions*) Kindly listen to me. (*Interruptions*) Sir, my point of order arises from your kind discretion. Sir, when you entered the House today...

SHRI VIRENDRA VARMA (Uttar Pradesh): He is raising a point of order on Chairman's discretion. (*Interruptions*)

SHRI BUTA SINGH: I am on my legs with the permission of the Chair. If the Chair asks me, I will sit down. (*Interruptions*)

SHRI DIPEN GHOSH: He should know. He is a Minister of Parliamentary Affairs. (*Interruptions*) Chairman has given a ruling. How can he raise a point of order on Chairman's ruling? (*Interruptions*)

SHRI M. S. GURUPADASWAMY: Sir, you have advisedly said you have used your discretion. He is questioning your discretion. (*Interruptions*)

SHRI BUTA SINGH: No. (*Interruptions*) Sir, in the morning, when you came, you said that you will take up the matter after the Question Hour is disposed of. (*Interruptions*) Then, Sir, you were pleased to say that you will allow Mr. Advani to move his Motion. Now, Sir, the Motion has been moved. (*Interruptions*) Sir, you have allowed me. Please ask them to sit down. Let me speak. (*Interruptions*) Kindly ask them to sit down. Let me make my point of order. (*Interruptions*)

AN HON. MEMBER: He cannot question Chairman's discretion. (*Interruptions*)

SHRI DIPEN GHOSH: Sir, how can he raise a point of order on the

Chairman's discretionary power, discretionary right?

(Interruptions)

MR. CHAIRMAN: Be reasonable. The hon. Minister has a right to raise a point of order.

SHRI BUTA SINGH: My submission to you, Sir, is that, you were pleased to observe that you will take up the matter after the Question Hour. Then, Sir, there was a second ruling by you that you will allow Mr. Advani to move his Motion. After that, the Motion was properly opposed, Sir, at this stage...

SHRI SURESH KALMADI (Maharashtra): He has not spoken on the Motion.

SHRI BUTA SINGH: At this stage, according to my humble submission, when the Motion has been moved and when it has been opposed, you must put it to the House before you allow any speech. This is my submission.

(Interruptions)

MR. CHAIRMAN: The position is clear. Rule 23 gives me a certain amount of discretion to vary the order of the proceedings in the House. That you must have yourself read and seen. Now the question is whether there is any bar to it in law which in other part of the rules is to be found. That the hon. Leader of the House will point out to me when he opposes the motion, but for moving the resolution every person, who moves a resolution, is entitled to say a few words as part of the resolution.

SHRI BUTA SINGH: I am sorry, no, Sir. Under the rules the first drill has to be gone into.

MR. CHAIRMAN: Under which rule? I do not know of any such rule.

SHRI MALLIKARJUN: Sir, the resolution has been moved to suspend the Question Hour and the business of the Order Paper. That he has made categorically clear in the resolution. We do not want to go into the background as to why he wants suspension of the Question Hour and the business of the Order Paper. *(Interruptions)*.

SHRI PRANAB KUMAR MUKHERJEE: As you have pointed out, Mr. Advani has moved a motion under rule 267 for suspension of rule 23. business for the day, and rule 38 relating to Question Hour. So far as order of the business is concerned, you have yourself observed in the last part of the first paragraph that the Chairman has the right to change the order after consultation with the Leader of the Council. The question of suspension of the Question Hour is also being covered by rule 267. Here most respectfully I would like to submit that when I am opposing that particular substantive motion with the intention of protecting the Question Hour and if in the course of the discussion the Question Hour itself is lost, it will not serve the purpose of my opposing the motion. The motion has been moved by Mr. Advani. I have opposed it. It does not require any detailed explanation. In the name of explaining the motion if the motion is carried, the House will have the opportunity to know for what reason Mr. Advani wanted to suspend the House. Now I would most respectfully submit that the motion has been moved. It has been opposed. Now you may put it to the House to decide on the fate of the motion.

SHRI DIPEN GHOSH: Sir, I am to make a submission in reply to the Leader of the House. The question is that Mr. Advani has moved a motion. Side by side all the opposition parties have also moved the motion. This is unprecedented in the history of Rajya Sabha that we are demanding suspension of the Question Hour and the order of the business. It has to be explained not to the Members here but to the people outside why we wanted the suspension of the Question Hour. It will go on record. It is

not so simple that they will vote against and we will vote in favour. The people outside have to be told about this. So, apart from the mover of the motion, all the other movers of the motion, each from one party, should be given an opportunity to explain why the motion is sought to be moved.

MR. CHAIRMAN: I think the matter can be cut short. Those in favour of the motion (*Interruption*). I am putting it to vote. (*Interruptions*).

SHRI LAL K. ADVANI: You have allowed me five minutes. (*Interruptions*).

MR. CHAIRMAN: It is only when the House expresses its desire to postpone the Question Hour or omit it altogether that the reasons for the speeches will come. At this moment it is a bland question of law. A Motion has been moved and has been opposed. How does the House view it? Those who want to...

SEVERAL HON. MEMBERS: No, Sir. (*Interruptions*)

SHRI LAL K ADVANI: You cannot go back on your own ruling.

MR. CHAIRMAN: Whether Mr. Advani makes a speech or anybody . . .

SHRI M. S. GURUPADASWAMY: Sir, don't go back on your ruling.

(*Interruptions*)

SHRI LAL K. ADVANI: Sir, you yourself allowed me five minutes. You cannot go back because they are shouting.

MR. CHAIRMAN: If all of you please sit down... I will stand by whatever I have said because I have never been frightened to stand by what is right. Mr. Advani, I had given you five minutes. You will have your five minutes.

SHRI BUTA SINGH: In the meantime... (*Interruptions*)

SHRI MALLIKARJUN: Mr Chairman, Sir...

SHRI BUTA SINGH: Sir, you had allowed me to quote the rule. I will quote the rule.

MR. CHAIRMAN: Which is the rule?

SHRI BUTA SINGH: Uuder Rule 244. Sir, you were pleased to ask me to quote the rule. Sir, the proceedings of this House are proposed to be closed for today by the Resolution of Shri Advani.

SHRI JASWANT SINGH (Rajasthan): Not the "proceedings".

SHRI BUTA SINGH: It is the proceedings. List of Business is the proceedings of the House.

SHRI MALLIKARJUN: What is meant by "Order Paper of today"?

SHRI BUTA SINGH: Sir, Mr. Advani is seeking to shut the agenda of today's business. I take it that it would be construed to come under the 244. And, Sir, you had ruled that nobody will wear the Badges and other things. Still Members are continuing with their badges and sitting inside the House.

Under rule 244, the hon. Member seeks that the agenda of today proceedings be given up. That virtually is the closure of today's business. Therefore, Sir, rule 244 says, as you must have kindly seen:

> "At any time after a motion has been made, any member may move. 'That the question be now put'."

Sir, you have allowed the question of Shri Advani to be put. Under the same rule, clause (2), "where the motion: 'That the question be now put' has been carried"—Sir, the motion is yet to be carried—then the hon. Member, after putting this motion has no right to make a speech until the House has given a verdict. You have

rightly put it to the House. Let the House decide. We are not coming in your way. If you want to listen to Mr. Advani, we are not coming in your way. But if you, Sir, want to set a precedent it should be under the rules. Now virtually it comes to closure. If it comes to closure, then, Sir, you follow the rules of closure. Otherwise, your ruling will go on record without the rules.

SHRI J. K. JAIN (Madhya Pradesh): He cannot make a speech until it has been approved.

SHRI JASWANT SINGH: Mr. Chairman, may I have your permission to make a submission?

MR. CHAIRMAN: No, I think enough has been said.

SHRI JASWANT SINGH: Just a short submission that I would like to make.

SHRI SULTAN SINGH (Haryana): Sir, on a point of order.

SHRI JASWANT SINGH: There are two suggestions being made here... (*Interruptions*)...I want to make a small submission.

MR. CHAIRMAN: No, no. Either I will hear Mr. Advani or nobody. Mr. Advani, you will have five minutes.

SOME HON. MEMBERS: No, no... (*Interruptions*)

SHRI J. K. JAIN: Sir, please don't do this... (*Interruptions*). You are doing*

MR. CHAIRMAN: You are doing something ... (*Interruptions*) ... Don't do this.

SHRI MALLIKARJUN: Now this House has to finalise... (*Interruptions*)...

SHRI T. BASHEER: It is very unfortunate... (*Interruptions*)...

..SHRI MALLIKARJUN: The motion moved under rules has been... (*Interruptions*) It has been put to the concurrence of the House... (*Interruptions*)... *Rule* BFG ... (*Interruptions*)...

SHRI LAL K. ADVANI: The murder of democracy is taking place in this House. They are making allegations against you... (*Interruptions*)...Even in this House democracy is being murdered.

SHRI JASWANT SINGH: Allegations are being made against the Chair.

SHRI J. K. JAIN: You will not allow him... (*Interruptions*)...

SHRI MALLIKARJUN: You should not come under pressure.

SHRI J. K. JAIN: You are doing something which goes*.

MR. CHAIRMAN: Please sit down. Please sit down No aspersions against the Chair will be tolerated, and I shall suspend that Member for the rest of the time in this House...

SHRI J. K. JAIN: You can do it.

MR. CHAIRMAN: ....even if it is my last order.

SHRI J. K. JAIN: I shall not allow this. You can do it... (*Interruptions*)...I don't care.

MR. CHAIRMAN: Mr. Jain. Mr. Jain, Mr. Jain, you will keen quite and you will observe decorum.

SHRI J. K. JAIN: I am observing decorum*

MR CHAIRMAN: Let me conduct

*Deleted as ordered by the Chair.

this House. Otherwise you will invite penalty.

SHRI J. K. JAIN: Why penalty? (*Interruptions*)...You are adopting a*... (*Interruptions*)...

SHRI P. N. SUKUL: It is a mockery ... (*Interruptions*)...

SHRI PRANAB KUMAR MUKHERJEE: Most respectfully I would like to submit, particularly to all the Members, that everybody should obey the Chair. I would request Mr. Jain to obey the Chair and, at the same time, Mr. Kalmadi. When you directed that he should take off that badge, after that, at least for ten minutes he carried the badge. Still he is carrying that badge. It is not fair, Sir. the gentleman... (*Interruptions*)...

MR. CHAIRMAN: Mr. Reddy, please sit down.

SHRI PRANAB KUMAR MUKHERJEE: Mr. Satyanarayan Reddy is coming to your rostrum. It is decorum! It is the embodiment of decency! The way this gentleman is wearing the badge when some people. (Interruptions).*... (*Interruptions*)...

MR. CHAIRMAN: The House is adjourned....

The House then adjourned at forty-five minutes past eleven of the clock.

The House reassembled at twenty-nine minutes past twelve of the clock. **Mr. Deputy Chairman** in the Chair.

SHRI LAL K. ADVANI: Mr. Deputy Chairman, Sir, we were discussing in the morning the developments in Andhra, or we sought to discuss; and I had given notice of a motion in that regard which was mid-way when the House adjourned. In the meanwhile, we have had certain discussions with the Leader of the House, the Minister of Parliamentary Affairs and some leaders of the Opposition. Consultations ar still on as to how this House can discuss the developments in Andhra. I feel that these consultations still need some more time to fructify. And in the meanwhile my motion is still before the House for consideration. (*Interruptions*)

SHRI MALLIKARJUN: He has to withdraw the motion. Sir.

SHRI LAL K. ADVANI: There is no question of my withdrawing the motion. If you want me to say why I want to press, I am willing to do so. But I think a way can be found to see how this House which is entitled to take cognizance of the constitutional crisis created in Andhra Pradesh, can discuss the matter. I would request through you, the leader of the House to find a way out for a full-fledged discussion on this particular issue. And let the consultations that we have started, which are still inconclusive, be concluded, and only then we can meet.

SHRI PRANAB KUMAR MUKHERJEE: I agree with Shri Advani. In fact, over what happened, all of us are not at all happy. Just before the adjournment certain motions were before the House. Before the House could decide upon certain things happened which are really unfortunate for all of us. And when we meet, myself along with Mr. Advani and a couple of other colleagues, our first concern is to see how smooth the functioning and business of the House can be transacted, and it will require some more time. So, may I request you, Sir, to give us some more time for the process of consultation including the suggestion made by Mr. Advani to find out how the tension which was created can be eased and smooth functioning of Rajya Sabha can take place. And I think we require some more time and the Chair will have no objection to give us more time for consultation.

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MR. DEPUTY CHAIRMAN: I have no objection. But one thing I want to say. The formal business of just presentation of reports, if you permit, we will finish. Nothing else will go on.

SHRI LAL K. ADVANI: No. (*Interruptions*).

WRITTEN ANSWERS TO QUESTION

Commemoration of the Memory of Maulana Azad

*361. SHRI HUSEN DALWAI:

DR. MOHD. HASHIM KIDWAI:

Will the Minister of EDUCATION AND CULTURE be pleased to state whether Government propose to celebrate 15th January every year as a 'Students Day' to commemorate the memory of late Maulana Abdul Kalam Azad?

THE MINISTER OF STATE IN THE MINISTRIES OF EDUCATION AND CULTURE AND SOCIAL WELFARE (SHRIMATI SHEILA KAUL): The late Maulana Saheb's birthday which falls on 11th November is being celebrated as Foreign Students' Day by the Indian Council of Cultural Relations (ICCR). This is being celebrated in prominent university towns in collaboration with Universities, Rotary Clubs and voluntary organisations. The I.C.C.R. is also organising the Azad Memorial Lectures since 1960 on February 22. every year, which is the death anniversary of Maulana Saheb.

Indo-Soviet Joint Committee on Shipping

*362. SHRI SHRIKANT VERMA: Will the Minister of SHIPPING AND TRANSPORT be pleased to state the details of the discussions which took place at the Sixth Sesion of the Indo-Soviet Joint Committee on Shipping held in Odessa (USSR) from May 17 to May 28, 1984?

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI Z. R. ANSARI): *Main subjects Discussed and Important Decisions taken during the sixth session of the Indo-Soviet Joint Committee on Shipping held at ODESSA (USSR) from May 17-22, 1984*

1.0. *Review of Implementation of decisions Incorporated in the previous protocol.*

1.1. *Determination of weight of Fertilizer shipped from USSR to India.*

It was decided that the present procedure for determining the weight of fertilizers at the Soviet Ports by means of automatic weighing scales may continue.

1.2. *Settlement of claims for shipment of fertilizers from USSR to India:*

It was recommended that the representatives of Sellers, Receivers and Shipowners may meet and settle the disputes on a Working Group Level and the progress be reviewed at the Commercial Level meetings.

1.3. *Outstanding claims pertaining to. foodgrains Demurrage/Despatch for rice shipments.*

It was decided that these claims will be discussed and sorted out at the Commercial Level by a Joint Working Group including various agencies on the Soviet and Indian sides.

2.0. *Transportion of bilateral charges in 1983—fulfilment of parity and turnround of pessele:*